



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,347	06/25/2004	Minoru Hoshino	09450/0201430-US0	2617

33766 7590 02/16/2007
CHERYL F. COHEN, LLC
2409 CHURCH ROAD
CHERRY HILL, NJ 08002

EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
----------	--------------

3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,347

Applicant(s)

HOSHINO ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 28, 2006 has been entered.

Response to Arguments

Applicant's arguments, see Remarks, filed November 28, 2006, with respect to the rejection(s) of claim(s) 1-14 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakazawa et al (JP 09-313531).

With respect to **claim 1**: Nakazawa teaches a disposable absorbent article 11 comprising: a main absorbent article body part, in turn comprising a liquid permeable surface side sheet 25, a liquid impermeable back face side sheet 27, positioned at the back face side of the liquid

Art Unit: 3761

permeable surface side sheet, an absorbent body 24, positioned between the liquid permeable surface side sheet and the liquid impermeable back face side sheet (Fig. 8), and flap parts as seen in Fig. 4, formed at least at the peripheral edge parts of said liquid impermeable back face side sheet and extending outward beyond the respective sides in the width direction of said absorbent body 24; and an outer layer sheet 14, positioned at the back face side of the liquid impermeable back face side sheet 27 of the main absorbent article body part; and wherein a dorsal waist part 12, a crotch part, having leg parts 13L,R at both sides, and a ventral waist part are formed successively and integrally in the longitudinal direction (Fig. 4), a dorsal waist part elastic body and a ventral waist part elastic body (collectively, elastic 16) of said outer layer sheet 14, which stretches in the width direction of the outer layer sheet 14, are disposed respectively at the dorsal waist part and the ventral waist part of said outer layer sheet, leg part elastic bodies 18 are disposed respectively at said leg parts 13L,R at the respective sides of said outer layer sheet, said leg part elastic bodies 18 are formed as first leg part elastic bodies and second leg part elastic bodies, said first leg part elastic bodies have one end side set along a leg part from a part of said dorsal waist part at one side, have an intermediate part crossing said crotch part obliquely towards a part of said ventral waist part at the other side, and have the other end side set along the leg part at the part of said ventral waist part at the other side (Fig. 4), said second leg part elastic bodies 19 have one end side set along a leg part from a part of said dorsal waist part at the other side, have an intermediate part intersecting said first leg part elastic bodies and crossing said crotch part obliquely towards a part of said ventral waist part at the one side, and have the other end side set along the leg part at the part of said ventral waist part side at the one side (Fig. 4), and third leg part elastic bodies 20,21 are disposed along the flap parts at both sides of said main absorbent article body part (Fig. 4), wherein the first,

second and third leg part elastic plastic bodies intersect with each other five times. (Fig. 4,
¶¶0017,0020,0021,0027,0037)

With respect to **claim 2**: Nakazawa teaches a disposable absorbent article 11 comprising: a main absorbent article body part having a longitudinal axis and a lateral axis perpendicular thereto, the main absorbent article body part in turn comprising a liquid permeable surface side sheet 25, a liquid impermeable back face side sheet 27, positioned at the back face side of the liquid permeable surface side sheet 25, an absorbent body 24, positioned between the liquid permeable surface side sheet 25 and the liquid impermeable back face side sheet 27 (Fig. 8), and flap parts, formed at least at the peripheral edge parts of said liquid impermeable back face side sheet 27 and extending outward beyond the respective sides in the width direction of said absorbent body 24; and an outer layer sheet 14, positioned at the back face side of the liquid impermeable back face side sheet 27 of the main absorbent article body part; and wherein a dorsal waist part, a crotch part, having leg parts 13L,R at both sides, and a ventral waist part are formed successively and integrally in the longitudinal direction, a dorsal waist part elastic body and a ventral waist part elastic body (collectively, elastic member 16), which stretch in the width direction of the outer layer sheet 14, are disposed respectively at the dorsal waist part and the ventral waist part of said outer layer sheet 14, leg part elastic bodies 18,19 are disposed respectively at said leg parts 13L,R at the respective sides of said outer layer sheet 14, said leg part elastic bodies are formed as first leg part elastic bodies 18 and second leg part elastic bodies 19, said first leg part elastic bodies 18 have one end side set along a leg part from a part of said dorsal waist part at one side, have an intermediate part extending across said crotch part along the width direction, and have the other end side set along the leg part at a part of the ventral waist part at the other side, said second leg part elastic bodies 19 have one end side set

Art Unit: 3761

along a leg part from a part of said dorsal waist part at the other side, have an intermediate part substantially mirroring the intermediate part of said first leg part elastic bodies 18 relative to the longitudinal axis and crossing said crotch part in a direction substantially parallel to the lateral axis, and have the other end side set along the leg part at a part of said ventral waist part side at the one side, and third leg part elastic bodies 20,21 are disposed along the flap parts at both sides of said main absorbent article body part. (Fig. 4, ¶¶ 0017,0020,0021,0027,0037)

With respect to **claim 3**: The main absorbent article body part is affixed to the outer layer sheet at the back face side (Fig. 4), the crotch part of the outer layer sheet is notched so as to be substantially concave towards the inner sides in the width direction, and the third leg part elastic bodies 20,21, which are positioned at the flap parts of said main absorbent body part, have at least a portion thereof disposed along a central lateral axis outward beyond the leg parts 13L,R at the respective sides of the outer layer sheet 14. (Fig. 4)

With respect to **claim 4**: The third leg part elastic bodies 20,21 are positioned at least respectively between the vicinities of the positions at which the first leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect and the vicinities of the positions at which the second leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect. (Fig. 4)

With respect to **claim 5**: A pair of three-dimensional gathers 17, which are erected in the direction of the body of a wearer when the absorbent article body is fitted onto the body of the wearer, are formed in mutually opposing manner at outer side parts at the respective sides that

Art Unit: 3761

are positioned outwards in the width direction beyond the vicinities of the third leg part elastic bodies of the main absorbent article body part. (Fig. 1, ¶0017)

With respect to **claim 6**: The disposable absorbent article according to Claim 1, wherein each of the first leg part elastic bodies 18 and second leg part elastic bodies 19 is arranged to be lower in tensile strength at the intermediate part, positioned in the direction of crossing said crotch part, than at the one end side and the other end side that are positioned along the leg parts at the respective sides. The lower tensile strength is due to the presence of an increased amount of elastic at said intermediate part relative to the end sides positioned along said leg parts 13L,R.

With respect to **claim 8**: The main absorbent article body part is affixed to the outer layer sheet 14 at the back face side, the crotch part of the outer layer sheet 14 is notched so as to be substantially concave towards the inner sides in the width direction, and the third leg part elastic bodies 20,21, which are positioned at the flap parts of said main absorbent body part and have at least a portion thereof disposed along the central lateral axis outward beyond the leg parts at the respective sides of the outer layer sheet. (Fig. 4, ¶0021)

With respect to **claim 9**: The third leg part elastic bodies 20,21 are positioned at least respectively between the vicinities of the positions at which the first leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect and the vicinities of the positions at which the second leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect. (Fig. 4)

Art Unit: 3761

With respect to **claim 10**: A pair of three-dimensional gathers 17, which are erected in the direction of the body of a wearer when the absorbent article body is fitted onto the body of the wearer, are formed in mutually opposing manner at outer side parts at the respective sides that are positioned outwards in the width direction beyond the vicinities of the third leg part elastic bodies of the main absorbent article body part. (Fig. 1, ¶0017)

With respect to **claim 11**: The disposable absorbent article according to Claim 1, wherein each of the first leg part elastic bodies 18 and second leg part elastic bodies 19 is arranged to be lower in tensile strength at the intermediate part, positioned in the direction of crossing said crotch part, than at the one end side and the other end side that are positioned along the leg parts 13L,R at the respective sides. The lower tensile strength is due to the presence of an increased amount of elastic at said intermediate part relative to the end sides positioned along said leg parts 13L,R.

With respect to **claims 13,14**: The flap part is contiguous with the outer sheet 14, which is liquid impervious, thus the flap part is also an impervious sheet. (Fig. 4)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al ('531) in view of Ishikawa (U.S. Patent Application Publication No. 2003/0040732).

With respect to **claims 7,12**: Ishikawa teaches an absorbent article wherein an outer layer sheet 5 has central elastic bodies 23 attached thereto, positioned along the longitudinal direction of the absorbent body 3 at the width direction center of the absorbent body 3 that is positioned at the surface side of the outer layer sheet 5. ('732, ¶¶0012,0029) Ishikawa teaches that these elastic members reliably keep the absorbent structure and the article in close contact with the wearer's body during use, therefore it would be obvious to one of ordinary skill in the art to modify the outer sheet taught by Nakazawa so as to contain central elastic bodies as taught by Ishikawa.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

February 14, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

